

ATTORNEY DOCKET NUMBER: 2006517-0009 (Bacterial Delivery DIV1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Caplan et al.	Examiner:	Huynh
Serial No.:	10/728,051	Art Unit:	1644
Filing Date:	December 4, 2003		
Title:	MICROBIAL DELIVERY SYSTEM		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL TO BOARD UNDER 37 C.F.R. § 41.31

Applicants hereby appeal the rejection of pending claims 34-45 in the above-referenced application. These claims have been twice rejected as required under 37 C.F.R. § 41.31(a)(1). The current rejection of these claims in the above-referenced case was mailed January 31, 2007. Applicants submit herewith a Petition for a three (3) month extension of time up to and including July 31, 2007. Accordingly, Applicants respectfully submit that the present Notice of Appeal is timely filed on Monday, July 30, 2007.

A credit card payment form (Form PTO-2038) is enclosed in the amount of **\$760.00**, **\$250.00** of which is to be applied towards the Appeal fee under 41 C.F.R. § 20(b)(1), and **\$510.00** of which is to be applied towards the extension of time fee under 37 C.F.R. § 1.17(a)(3).

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,

/Charles E. Lyon, D.Phil/

Charles E. Lyon, D.Phil.

Registration No. 56,630

Choate, Hall & Stewart
Two International Place
Boston, MA 02110
t: (617) 248-4793
f: (617) 248-4000
Date: July 30, 2007